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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted]

Office: CALIFORNIA SERVICE CENTER

Date: JUN 16 2004

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

PETITION: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the Director of the California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The petitioner states that it is a church. It seeks classification of the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4) in order to employ him as an "evangelist." On November 22, 2002, the director denied the petition based on a determination that the petitioner had not established that the beneficiary had been engaged continuously in a qualifying religious vocation or occupation for two full years immediately preceding the filing date of the petition.

Pursuant to 8 C.F.R. § 103.3(a)(2)(i), an affected party must file an appeal within 30 days of service of the decision.

The petitioner filed an appeal from the director's decision on January 3, 2003, forty-one (41) days after the date of issuance of the director's decision. Therefore, the appeal must be rejected.

An alien applying for classification as a special immigrant religious worker has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 203(b)(4) of the Act. The petitioner has not met this burden.

ORDER: The appeal is rejected.